

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

MDL No. 2:18-mn-2873-RMG

**This Document Relates to
ALL CASES**

REPORT AND RECOMMENDATIONS CONCERNING COST AWARDS

This filing addresses the award of costs available from two sources:

1. CMO No. 3 (Dkt. No. 72) provides: “[T]he Court shall impose a holdback assessment of ... 3% allotted for reimbursement of permissible common benefit costs and expenses from any settlement(s) or judgment(s) paid by defendants.” The Tyco Marinette, WI (*Campbell*) and the *City of Stuart* matters were subject to CMO No. 3’s holdback assessment. They settled for a total of \$112.5 million, resulting in a 3% holdback assessment of \$3,375,000.00.
2. The plaintiffs’ attorneys entered into settlements against BASF and Tyco. On November 22, 2024, the Court awarded a total of \$10,471,081.51 of costs for the two settlements (Dkt. No. 6408).

The firms have submitted their held costs on a monthly basis to Jeremy Betsill, the Court-Appointed CPA. My office has reviewed those held costs to ensure their compliance with CMO No. 3. In preparing this report, my office has contacted a representative of each firm and extended an opportunity to comment upon the held cost awards. The awards for outstanding held costs incurred through December 31, 2024¹ (totaling \$1,884,114.52) are reflected in Exhibit 1.

¹ In its November 22, 2024 order, the Court only awarded held costs through June 30, 2024, amounting to \$1,491,867.51. Likewise, the Court only awarded shared costs through June 30, 2024, amounting to \$8,979,214.00. However, because the Tyco Marinette, WI/*City of Stuart* cost awards are also available, the undersigned is recommending that the firms be reimbursed their held and shared costs to a date beyond what was originally contemplated. In other words, each firm will receive more money than would have been the result of the Court’s

In addition to held costs, many of the firms have contributed assessments to an account controlled by Mr. Betsill so that leadership can appropriately litigate the MDL. The amounts that leadership withdraw from this account are the “shared costs” referenced in CMO No. 3. My office has confirmed the amounts of the assessments with the various firms and with Mr. Betsill. Since the beginning of the MDL, the firms have contributed a total of \$33,920,000.00 in assessments. At the time of the DuPont/3M settlements, the firms were reimbursed \$16,273,735.97. This leaves unreimbursed assessments of \$17,646,264.03. After reimbursing held costs as set forth in the previous paragraph, there is \$11,961,966.99 available to reimburse shared costs. This means that there is enough money to reimburse each firm approximately 67.788% of its outstanding assessments.² As reflected in Exhibit 1, shared costs are awarded to the firms in proportion to their unreimbursed assessments.³

It is my recommendation that the Court adopt Exhibit 1 as the allocation for the funds available as described above. If the Court wishes me to supplement this report or to respond to any inquiries, I am prepared to comply.

Dated: February 19th, 2025

/s/

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November 22, 2024 order. That said, because the firms will be reimbursed for additional costs at this time, it is anticipated that the request for costs associated with the next settlement will be commensurately less.

² Technically speaking, the firms are not being reimbursed their assessments *per se*, but instead they are being reimbursed their shared costs. For purposes of this report, this distinction makes no difference in the final result.

³ In the event a firm discovers any accounting discrepancies after this report is filed, that firm will be given an opportunity to “true up” its costs as additional settlement funds become available.

Exhibit 1 -- Cost Awards

| Firm | Held Costs | Shared costs | Total Costs |
|--|-------------------|---------------------|--------------------|
| Baron & Budd PC | \$ 245,908.07 | \$ 444,113.33 | \$ 690,021.40 |
| Beggs & Lane RLLP | \$ - | \$ - | \$ - |
| Bell Legal Group | \$ 77.29 | \$ 425,104.83 | \$ 425,182.12 |
| Burns Figa & Will PC | \$ - | \$ - | \$ - |
| Cohn Lifland Pearlman Hermann & Knopf LLP | \$ - | \$ - | \$ - |
| Cossich Sumich Parsiola & Taylor LLC | \$ 169,593.55 | \$ 444,113.33 | \$ 613,706.88 |
| Crueger Dickinson | \$ - | \$ 33,264.89 | \$ 33,264.89 |
| Dema Law Office | \$ - | \$ - | \$ - |
| Douglas & London PC | \$ 579,557.24 | \$ 444,113.33 | \$ 1,023,670.57 |
| Edelson PC | \$ - | \$ 434,609.08 | \$ 434,609.08 |
| Environmental Litigation Group PC | \$ 165,672.63 | \$ 492,892.36 | \$ 658,564.99 |
| Fears Nachawati Law Firm | \$ 8,077.72 | \$ 434,609.08 | \$ 442,686.80 |
| Fegan Scott LLC | \$ 15,667.51 | \$ 101,681.30 | \$ 117,348.81 |
| Frazer PLC | \$ 4,304.06 | \$ 376,325.80 | \$ 380,629.86 |
| Grant & Eisenhofer PA | \$ 6.30 | \$ - | \$ 6.30 |
| Hagens Berman Sobol & Shapiro LLP | \$ - | \$ 9,504.30 | \$ 9,504.30 |
| Hausfeld LLP | \$ 5,224.77 | \$ 450,766.31 | \$ 455,991.08 |
| Kanner & Whiteley LLC | \$ 7,007.71 | \$ - | \$ 7,007.71 |
| Kelley Drye & Warren LLP | \$ 33,575.07 | \$ 434,609.08 | \$ 468,184.15 |
| Kennedy & Madonna, LLP | \$ - | \$ - | \$ - |
| Knauf Shaw LLP | \$ - | \$ - | \$ - |
| Levin Papantonio Thomas Mitchell Rafferty Proctor PA | \$ 95,304.92 | \$ 444,113.33 | \$ 539,418.25 |
| Levin Sedran & Berman | \$ 43,278.63 | \$ 444,113.33 | \$ 487,391.96 |
| Madonna & Madonna, LLP | \$ - | \$ 444,113.33 | \$ 444,113.33 |
| Marten Law LLP | \$ - | \$ - | \$ - |
| McDivitt Law Firm PC | \$ 8,639.83 | \$ 9,504.30 | \$ 18,144.13 |
| Morgan & Morgan Complex Litigation Group | \$ - | \$ 28,512.76 | \$ 28,512.76 |
| Motley Rice LLC | \$ 74,359.08 | \$ 444,113.33 | \$ 518,472.41 |
| Napoli Shkolnik PLLC | \$ 267,476.48 | \$ 444,113.33 | \$ 711,589.81 |
| Plevin Gallucci Company LPA | \$ 946.60 | \$ 444,113.33 | \$ 445,059.93 |
| Pritzker Levine LLP | \$ 21,349.15 | \$ 429,856.95 | \$ 451,206.10 |
| Rigano LLC | \$ - | \$ - | \$ - |
| Rogers Patrick Westbrook & Brickman LLC | \$ 1,331.51 | \$ 444,113.33 | \$ 445,444.84 |
| Saltz Mongeluzzi & Bendesky PC | \$ 27,848.87 | \$ 444,113.33 | \$ 471,962.20 |
| Seeger Weiss | \$ - | \$ 338,308.78 | \$ 338,308.78 |
| Sher Edling LLP | \$ 25,747.92 | \$ 444,113.33 | \$ 469,861.25 |
| Singleton Schreiber LLP | \$ - | \$ 401,344.19 | \$ 401,344.19 |

| | | | |
|--------------------------------|------------------------|-------------------------|-------------------------|
| SL Environmental Law Group PC | \$ 6,152.99 | \$ 444,113.33 | \$ 450,266.32 |
| Solomon Law Group LLC | \$ 2,641.60 | \$ 426,118.05 | \$ 428,759.65 |
| Stag Liuzza | \$ 16,320.32 | \$ 434,609.08 | \$ 450,929.40 |
| Taft Stettinus & Hollister LLP | \$ 25,912.54 | \$ - | \$ 25,912.54 |
| The Ferraro Law Firm | \$ 10,380.41 | \$ 366,821.55 | \$ 377,201.96 |
| The Hannon Law Firm LLC | \$ - | \$ 14,256.38 | \$ 14,256.38 |
| The Kuykendall Group LLC | \$ - | \$ 101,681.30 | \$ 101,681.30 |
| Weitz & Luxenberg PC | \$ 21,751.75 | \$ 444,113.33 | \$ 465,865.08 |
| TOTAL | \$ 1,884,114.52 | \$ 11,961,966.99 | \$ 13,846,081.51 |